

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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MICHAEL GARRISON, #237608,

Plaintiff,

v.

Case No. 05-CV-73789-DT

TRANSUNION, INC., EQUIFAX, INC.,  
EXPERIAN, INC.,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND  
DENYING AS MOOT DEFENDANT EXPERIAN'S AND DEFENDANT TRANS  
UNION'S MOTIONS TO CONTINUE OR TO ENLARGE TIME**

Before the court is plaintiff's motion for summary judgment, filed December 19, 2005, and Defendant Trans Union's and Defendant Experian's motions that both seek additional time to respond to the summary judgment motion, based on there having been no discovery yet been scheduled or conducted.

The Local Rules of this district require any movant to first seek concurrence and, if not obtained, to report the details to the court. E.D. Mich. LR 7.1(a). Concurrence results in a stipulation; concurrence unreasonably withheld can result in sanctions. Plaintiff stated no effort of any kind to seek concurrence (nor does Defendant in its motion for enlargement of time).

Summary judgment cannot appropriately be granted without a reasonable opportunity for the opposing party to conduct discovery. *Celotex Corp. v. Catrett*, 477 U.S. 317, 326 (1986); Fed. R. Civ. P. 56(f). It is not reasonable to expect that a

defendant should respond to a dispositive motion filed by a plaintiff at the very commencement of litigation of this character. Accordingly,

IT IS ORDERED that Plaintiff's Motion for Summary Judgment [Dkt. # 14] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that Defendant Experian's Motion to Continue [Dkt. # 15] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Defendant Trans Union's Motion for Enlargement of Time [Dkt. # 16] is **DENIED AS MOOT**.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: January 13, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 13, 2006, by electronic and/or ordinary mail.

s/Lisa G. Teets  
Case Manager and Deputy Clerk  
(313) 234-5522